

1. What state agency should have oversight of PCMH?

Discussion: The Commissioner of Securities and Insurance in Montana is not similarly situated to those in most other states. First, Montana's commissioner is one of only a handful who is a state-wide elected official. In most states, an insurance commissioner is appointed by the governor. In Montana, the governor has no authority over insurance issues. Second, Montana's office of the commissioner of securities and insurance has criminal justice authority, as well as civil authority to conduct investigations and enforce insurance and securities law. In many states, enforcement authority resides with the Attorney General.

	Pros	Cons
CSI	1) Has authority to regulate private insurance should the PCMH governing authority ever wish to compel or encourage payers to participate. 2) Is a criminal Justice agency with both criminal and civil enforcement authority over the regulation of private insurance. 4) Has a constitutional duty to protect consumers. 3) Has experience coordinating the PCMH Advisory Council	1) Does not regulate the delivery of health care services 2) Does not enforce anti-trust laws 3) Has no authority over public health insurance programs.
Gov	1) Has authority to regulate the delivery of health care services via DPHHS. 2) Has authority over public health insurance programs.	1) Does not have authority over private insurance 2) Does not enforce anti-trust laws
AG	1) Has authority to enforce anti-trust law	1) Does not have authority over private insurance 2) Does not regulate the delivery of health care services 3) Has minimal authority over public health insurance programs.

2. Does the council wish to propose a board or commission in law with the power to operate a medical home program with state oversight?

Administration	Pro	Con
Quasi-governmental board / commission attached to an agency	1) Decision-making shared by representatives of interested parties 2) More decision-makers; more expertise 3) Retains or increases transparency of program 4) Greater opportunity for consumer involvement 5) More nimble decision-making	1) Need to maintain effective and adequate government oversight in perpetuity in order to keep anti-trust immunity 2) Need to create new structures 3) Need to recruit qualified professionals as board members who are willing to essentially donate their time

Public agency management	1) Government oversight will be more clearly laid out--may help with anti-trust 2) Predictable structures for rule-making	1) More susceptible to political change 2) Decision-making by fewer people with less direct interest
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3. If a board or commission is selected, what powers and duties should be spelled out in law?

Options:

- a) Recommend policies and procedures for administering the program
- b) Implement policies and procedures
- c) Provide input for agency rulemaking
- d) Select payers and providers for participation in program
- e) Set the budget for program administration and financing mechanism
- f) Must follow open meetings laws and other laws that create transparency
- g) Hire staff
- h) Others?

4. If a board or commission is selected, how many voting members should it have? Should there be non-voting members? Should state agency representatives, if any, be appointed?

Size	Pro	Con
3-5	Efficient decision-making	Too little representation of interests
7-9	Still efficient, better representation	
11-15	Workable, increased recommendation	Getting too big?
>15	Lots of representation	Decision-making more difficult

5. If a board or commission is selected, what interests/expertise should be represented in what proportion? Should any interests/conflicts be prohibited?

Options:

- a) Primary Care Providers
- b) Private Payers
- c) Public Payers
- d) Consumers
- e) Employers (?)
- f) Governor's office
- g) Commissioner's office
- h) AG's office (?)

6. If a board or commission is selected, who should appoint its members?

Options:

- a) One agency, either Commissioner or Governor
- b) Both these agencies in some proportion
- c) Allow senate confirmation or not
- d) Allow legislative appointments or not

7. If a board or commission is selected, what should be their terms in office?

Options:

- a) Staggered terms or not
- b) 2,3,4, or more -year terms
- c) Reappointment allowed indefinitely
- d) Reappointment allowed for specified number of terms
- e) No reappointment